IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO.20253 of 1998

Between:

N. Venkateswara Rao, S/o. N.Subbaiah,
R/o. Penamaluru, Krishna District.

..... PETITIONER

AND

1 The Govt. of A.P., Rep. by its Secretary,
Education Department, Secretariat,
Hyderabad-500 022.
2 The District Collector cum Chairman, District Selection Committee,
Machilipatnam, Krishna District.
3 The District Educational Officer cum Member Convenor, Teachers

Recruitment 1998, District Selection Committee, Machilipatnam,
Krishna District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in calling the 631 candidates in second list by reducing minimum qualifying marks by 5 marks and selecting candidates from that list particularly depriving the appointment/selection to the petitioner who was qualified in written test in the first instance and secured more marks than the second list candidates arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondents to appoint him as S.G.B. Teacher on one of the posts.

Counsel for the Petitioner: MR.T.P.ACHARYA

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following:

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in calling 631 candidates for interview for the posts of Secondary Grade Teachers in second list by reducing minimum qualifying marks from 45 to 40 and selecting the candidates from that list depriving the appointment/selection to the petitioner, who was qualified in written test in the first instance and secured more marks than the second list candidates, as arbitrary and illegal and consequently to direct the respondents to appoint him as Secondary Grade Teacher.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

The main grievance of the petitioner in this writ petition is that the respondents called for 631 candidates for interview for the posts of SGBT Teachers by reducing the qualifying marks from 45 to 40. The matter as to reduction of 5 qualifying marks is a policy decision of the Government, which was upheld by the Apex Court, and therefore, this Court in exercise of its jurisdiction under Article 226 of the Constitution of India cannot interfere with the same. The petitioner has no cause of action in this writ petition.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 05.07.2005

Nsr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary,
Education Department, Govt. of A.P., Secretariat,
Hyderabad-500 022.
2 The District Collector cum Chairman, District Selection Committee,
Machilipatnam, Krishna District.
3 The District Educational Officer cum Member Convenor, Teachers

Recruitment 1998, District Selection Committee, Machilipatnam,
Krishna District.

4 Two CCs to GP for School Education, High Court Buildings,

Hyderabad (OUT)

5 2 CD copies

6 1 CC to MR.ACHARYA

*Form-NIC-OGS/WP{**ANURADHA**}*